



Public Hearing – February 22, 2017
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee

SB 836 — AN ACT CONCERNING CIVIL PENALTY REGULATIONS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

Thank you for the opportunity to present testimony regarding SB 836. The Department of Energy and Environmental Protection (DEEP) offers the following testimony.

We appreciate the Committee’s willingness to raise this bill at the request of DEEP. Section 22a-6b of the Connecticut General Statutes establishes that the Commissioner may adopt administrative civil penalty regulations for many DEEP administered programs. Administrative civil penalty assessments under the civil penalty regulations are valuable tools that improve program efficiency and effectiveness. These penalty programs work much like traffic tickets, with quick issuance and resolution, reducing the time needed for both DEEP and the regulated community to resolve certain types of enforcement actions, while also deterring future noncompliance and removing financial gain associated with noncompliance.. Currently, several DEEP administered programs, including the statutes for DEEP’s recycling, arborists (tree experts) and certain dam safety requirements do not fall within the scope of section 22a-6b, which enables the adoption of civil penalty regulations.

This proposed Bill is consistent with the priorities and recommendations to enhance enforcement for violation of recycling laws identified in DEEP’s 2016 Comprehensive Materials Management Strategy (CMMS), the predecessor 2006 Solid Waste Management Plan (SWMP), Governor Malloy’s “Modernizing Recycling Working Group” report (December 2012) and the Legislative Program Review and Investigation Committee’s “Municipal Solid Waste Management Services in Connecticut” report (January 2010). Poor compliance with recycling laws is a significant environmental problem that wastes natural resources and money as a result of readily recoverable materials being disposed of as trash. In 2016, DEEP inspected 131 locations to assess recycling compliance and found violations at 79 of those locations, a noncompliance rate of 60 percent. Administrative civil penalty authority would be a very effective tool to reduce this high noncompliance rate and to promote achievement of the state’s 2024 waste diversion goal of 60 percent, established through Public Act 14-94.

Another area of common noncompliance for which DEEP receives many complaints is unlicensed and unregistered arborists and arborist businesses. DEEP’s arborist program is part of the pesticide management program. The other areas of the pesticide management program have developed civil penalty regulations under the statutory authority granted in section 22a-6b. Extending the statutory authority to develop administrative civil penalty assessments to the arborist program would help streamline enforcement activities and free up limited staff resources for other important activities within the pesticide management program.

Proposed Addition – Dam Safety

One area that was not included in the language presented by DEEP is dam safety. We request that the Committee consider revising the language of this bill to encompass sections 22a-409 and 22a-411a for the dam safety program to cover failure to provide inspection reports and emergency action plans among those statutes

listed in section 22a-6b for which the Commissioner may adopt civil penalty regulations. DEEP will provide draft language for the Committee's consideration.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact DEEP's legislative liaison, Lee Sawyer at 860-424-3332 or Lee.Sawyer@ct.gov.